

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SAMUEL OKORIE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 21-1107
)	Judge Nora Barry Fischer
)	Magistrate Judge Maureen P. Kelly
MICHAEL ZAKEN; DISTRICT ATTORNEY)	
STEPHEN ZAPALA; and ATTORNEY)	
GENERAL JOSH SHAPIRO,)	
)	
Respondents.)	
)	

ORDER OF COURT

AND NOW, this 2nd day of February, 2022, after Petitioner Samuel Okorie filed a petition for writ of habeas corpus in the above-captioned matter, without the corresponding filing fee or motion to proceed in forma pauperis, (Docket No. [1]), and after a Report and Recommendation was filed by United States Magistrate Judge Maureen P. Kelly on January 3, 2022 recommending that such petition be dismissed, without prejudice, for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure and the factors under *Poulis v. State Farm Fire and Casualty Co.*, 747 F.2d 863 (3d Cir. 1984), because, among other things, Petitioner failed to respond to a Deficiency Order dated August 23, 2021 directing Petitioner to submit the filing fee or a motion to proceed in forma pauperis and an Order to Show Cause dated October 15, 2021 directing him to show cause why this matter should not be dismissed, without prejudice, for failure to prosecute, (Docket No. [4]), and no objections having been filed by Petitioner within 14 days, or by January 17, 2022, as directed in the Magistrate Judge's Report and Recommendation, nor by the date of this Order, and upon independent review of the record and consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus [1] is
DISMISSED, without prejudice, for failure to prosecute;

IT IS FURTHER ORDERED that, to the extent needed, a certificate of appealability is
DENIED;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this CASE CLOSED;
and,

FINALLY, IT IS ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of
Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as
provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court,
at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Judge Maureen P. Kelly

All counsel of record.

cc: Samuel Okorie
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